

14 (Amended). The protective helmet according to claim 10, wherein the complementary return buckle is affixed to the main outer shell of the helmet in an area adjacent to where the straps are affixed to the shell.

#### REMARKS

Applicant is grateful for the Examiner's thorough review of the application, as amended, the withdrawal of the rejections based on indefiniteness and over Dye, and the indication that claims 11-13 and 15-18 would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Upon entry of the above amendment, claims 10-14 and 16-20 will be pending.

#### OBJECTION TO THE DRAWINGS

The Examiner objected to the drawings on the basis that numeral "70" lacks a lead line in figure 1 and that figure 10 includes a lead line with no corresponding reference numeral.

In response to this objection, Applicant proposes to use reference numeral 15a to identify the lead line in figure 10. With regard to numeral "70", the Examiner is requested to clarify the objection, as numeral "70" does not appear in figure 1.

#### ANTICIPATION REJECTION OVER GRILLIOT

The Examiner rejected claims 10 and 14 under 35 U.S.C. 102(b) as being anticipated by Grilliot et al '508. The examiner held that Grilliot et al teaches a protective helmet having

a main outer shell 14 and a holding and positioning arrangement comprising a set of flexible straps 48, 68, a lever buckle 78 and a return buckle 44. With regard to claim 14, the Examiner took the position that the return buckle 44 fixes the straps to the helmet shell and therefore the return buckle and straps are affixed to the shell in adjacent areas.

The rejection, as it would be applied against the amended claims, is respectfully traversed. Furthermore, claim 10 has been amended to incorporate therein certain limitations recited in claims 14 and 15. It is not seen how Grilliot anticipates a protective helmet comprising a set of flexible straps, wherein the straps are affixed to the main outer shell, and starting from the point where they are affixed to the main outer shell, pass through a guide of the lever buckle, then come back to pass in the complementary return buckle, before slidably passing again beneath a pivoting lever arm of the lever buckle, that is susceptible of blocking said slidable passing. Presumably, the Examiner would concur that Grilliot does not anticipate modified claim 10 in view of the fact that these limitations were taken from original claims 14 and 15, and the Examiner did not reject claim 15 on the grounds of anticipation.

#### REJECTION OVER CASALE

The Examiner rejected claim 19 under 35 U.S.C. 102(e) as being anticipated by Casale. The Examiner held that Casale "teaches a protective helmet having a shell 5 and a holding and positioning arrangement 1. The holding and positioning arrangement includes flexible straps 13, 17 and a pulley mechanism 7. The holding and positioning arrangement

further includes a chin strap 3 which is formed by the convergence on both sides of the helmet of left and right portions of front strap 17 and rear straps 13. A buckle 21 connects the points of convergence on either side of the helmet to one another. Front strap portions include a length adjustment mechanism 15 while rear straps utilize length adjustment mechanism 7. Pulley mechanism 7 includes an inverted Y-shaped connecting piece that connects the free ends of the rear strap."

Claim 20 was rejected as being unpatentable over CASALE. The Examiner held that CASALE discloses the invention substantially as claimed. However, the pulley mechanism 7 is not disclosed as being semi-rigid. It would have been obvious, according to the Examiner, to form mechanism 7 from a semi-rigid material so that it can conform to a wearer's head as shown in the figures and be durable.

The Examiner indicated that the rejections based on Casale may be overcome by perfecting Applicant's claim for foreign priority under 35 U.S.C. 119 as outlined in MPEP 706.02(b).

The rejection over CASALE is respectfully traversed. In addition to the fact that Casale does not anticipate nor render obvious the subject matter recited in claims 19 and 20, Casale is not a proper reference against this application. U.S. patent no. 5,983,405 to Casale issued as a patent on November 16, 1999 from an application filed on February 18, 1998. The instant application was filed on February 8, 1999 and claims priority under 35 U.S.C. 119 based on French application no. 98 01867, to February 9, 1998, which is before the filing date of Casale. Presumably, the Examiner is willing to withdraw this rejection if a

translation of the French priority application is provided. However, Applicant has already complied with the requirements of MPEP 706.02(b). The instant application was translated into English from the French priority document. Thus, the instant application, in itself, provides a basis for the Examiner's withdrawal of the rejection over Casale.

#### ALLOWABLE SUBJECT MATTER

Claims 11-13 and 15-18 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As indicated above, amended claim 10 incorporates certain limitations from claims 14 and 15, which Applicant believes the Examiner will agree render claim 10 to be allowable.

Claims 14 depends from claim 10 and continues to recite a feature which was not incorporated into claim 10. Accordingly, claim 14 should now be found to be allowable.

Claims 11-13 and 16-18 were previously indicated to contain allowable subject matter. Accordingly, allowance of these claims is respectfully requested.

Allowance of all the claims, i.e., claims 10-14 and 16-20 is respectfully requested.

#### CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's

invention, as recited in each of claims 10-14 and 16-20. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Please charge any additional fees necessary for consideration of the papers filed herein and refund excess payments to Deposit Account No. 19-0089.

Respectfully submitted,  
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